

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 30, 2005. Claims 1, 6, 9 and 16 are directly amended and claims 21-23 are newly added. Claims 2 and 19 have been cancelled. Reconsideration and allowance of the Application and presently pending claims 1, 3-18, and 20-23 are respectfully requested.

I. Response to Claim Rejections Under 35 U.S.C. §112, second paragraph

The Office Action has indicated that in claim 2 the phrase “if the user is not authenticated to the proximity device after a predetermined number of attempts, garbling sensitive information stored in the proximity device” is unclear and confusing. Applicant has amended the claim that is directed to another feature and respectfully submit that claim 2 now complies with 35 U.S.C §112, second paragraph. Applicant respectfully requests the Examiner to withdraw this rejection and allow claim 2.

II. Response to Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, claims 1 and 3-8 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,515,575, to *Kataoka*. Applicant has amended claims 1 and 3-8 to include the feature of claim 2, which stand rejected under 35 U.S.C. §103(a) as allegedly obvious by U.S. Patent No. 6,515,575, to *Kataoka* in view of U.S. Patent Application Publication No. 2003/0097596, to *Muratov* et al. (hereinafter “*Muratov*”). Applicant has also amended claims 9-20 to include a similar feature as recited in claim 2. Claims 2 and 19 are cancelled. Hence, Applicant has provided below arguments over *Kataoka* and *Muratov* for claims 1, 3-18, and 20.

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

A. Claim 1

Claim 1, as amended, recites:

1. A method for providing secure authentication of a user to a system and secure operation of the system thereafter, the method comprising:
 - authenticating a user to the system directly or to a proximity device;
 - authenticating the proximity device to a receiver in the system;
 - upon successful authentication, initiating operation of the system;
 - intermittently communicating between the proximity device and the receiver to verify whether the proximity device is within continued proximity of the system; and
 - if the proximity device has not authenticated the user after a predetermined number of attempts, garbling authentication algorithms stored in the proximity device.***

(Emphasis Added)

The Office Action admitted “*Kataoka* did not explicitly disclose if the user is not authenticated to the proximity device after a predetermined number of attempts, garbling sensitive information stored in the proximity device.” The Office Action attempts to utilize *Muratov* to remedy the deficiency of *Kataoka*. The Office Action has cited paragraphs 103 and 104 of *Muratov* in rejecting claim 2. However, nowhere in these paragraphs does *Muratov* disclose that the sensitive information is garbled. *Muratov* apparently only discloses that “[i]f the limit has been exceeded, then all databases and applications . . . are erased.” (See *Muratov*, paragraph 104). As one skilled in art would readily know, garbling information is not the same as erasing information.

Accordingly, because *Muratov* does not disclose the claimed step that “if the proximity device has not authenticated the user to the proximity device after a predetermined number of attempts, ***garbling authentication algorithms*** stored in the proximity device,” (Emphasis Added) a *prima facie* case of obviousness cannot be established based on *Kataoka* in view of *Muratov*. Accordingly, for at least this reason alone, among others, Applicant respectfully submits that claim 1 be allowed and the rejection be withdrawn.

C. Claims 3-8

Because independent claim 1 is allowable over the cited art of record, dependent claims 3-8 are allowable as a matter of law for at least the reason that dependent claims 3-8 contain all the features and elements of their respective independent base claim. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection to dependent claims 3-8 be withdrawn for this reason alone.

B. Claim 9

9. A system for user authentication to a machine and secure operation of the machine thereafter, the system comprising:
a receiver coupled to, or integrated with, the machine; and
a proximity device, comprising:
means for authenticating a user to the proximity device;
means for authenticating the proximity device to the receiver;
means for, upon successful authentication, intermittently communicating between the proximity device and the receiver to verify whether the proximity device is within proximity of the machine; and
if the user cannot be authenticated after a predetermined number of attempts, means for garbling authentication algorithms stored in the proximity device.

(Emphasis Added)

As mentioned above, the Office Action admitted “*Kataoka* did not explicitly disclose if the user is not authenticated to the proximity device after a predetermined number of attempts, garbling sensitive information stored in the proximity device.” The Office Action attempts to utilize *Muratov* to remedy the deficiency of *Kataoka*. The Office Action has cited paragraphs 103 and 104 of *Muratov*. However, nowhere in these paragraphs does *Muratov* disclose that the sensitive information is garbled. *Muratov* apparently only discloses that “[i]f the limit has been exceeded, then all databases and applications . . . are erased.” (See *Muratov*, paragraph 104). As one skilled in art would readily know, garbling information is not the same as erasing information.

Accordingly, because *Muratov* does not disclose the claimed step that “if the proximity device has not authenticated the user to the proximity device after a predetermined number of

attempts, **means for garbling sensitive information** stored in the proximity device,” (Emphasis Added) a *prima facie* case of obviousness cannot be established based on *Kataoka* in view of *Muratov*. Accordingly, for at least this reason alone, among others, Applicant respectfully submits that claim 9 be allowed and the rejection be withdrawn.

C. Claim 16

16. A device for providing authentication of a user to a system and for providing secure operation of the system thereafter, the device comprising:

memory for storing identification information of at least a first user;

an interface for authenticating a user;

an interface for authenticating the device to a receiver integrated with the system;

logic configured to intermittently communicate with the receiver upon successful authentication; and

logic configured to garble authentication protocols upon a predetermined number of failed attempts at authenticating the user.

(Emphasis Added)

As mentioned above, the Office Action admitted “*Kataoka* did not explicitly disclose if the user is not authenticated to the proximity device after a predetermined number of attempts, garbling sensitive information stored in the proximity device.” The Office Action attempts to utilize *Muratov* to remedy the deficiency of *Kataoka*. The Office Action has cited paragraphs 103 and 104 of *Muratov*. However, nowhere in these paragraphs does *Muratov* disclose that the sensitive information is garbled. *Muratov* apparently only discloses that “[i]f the limit has been exceeded, then all databases and applications . . . are erased.” (See *Muratov*, paragraph 104). As one skilled in art would readily know, garbling information is not the same as erasing information.

Accordingly, because *Muratov* does not disclose the claimed step that “if the proximity device has not authenticated the user to the proximity device after a predetermined number of attempts, **means for garbling authentication protocols** stored in the proximity device,” (Emphasis Added) a *prima facie* case of obviousness cannot be established based on *Kataoka* in

view of *Muratov*. Accordingly, for at least this reason alone, among others, Applicant respectfully submits that claim 16 be allowed and the rejection be withdrawn.

D. Claims 10-15, 17-18, and 20

Because independent claims 9 and 16 are allowable over the cited art of record, dependent claims 10-15, 17-18, and 20 are allowable as a matter of law for at least the reason that dependent claims 10-15, 17-18, and 20 contain all the features and elements of their respective independent base claim. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection to dependent claims 10-15, 17-18, and 20 be withdrawn for this reason alone.

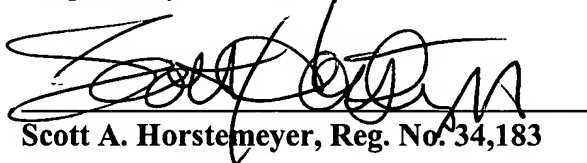
IV. Newly Added Claims 21-23

Applicant submits that claims 21-23 are allowable over the cited references. Claim 21 recites a method that requires “authenticating a user to a proximity device” and steps performed by a receiver of a vehicle (i.e. a vehicle which will later be operated) wherein the receiver is integrated within the vehicle. None of the cited references disclose all of the features or steps of claims 21-23. Accordingly, Applicant respectfully requests that claims 21-23 be allowed.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,



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